

REMARKS

Entry of the amendments is respectfully requested. The amendments to previously presented claims correct obvious informal errors. No examination is required.

The proposed additional Claims 38 - 41 are dependent claims that contain limitations of allowed parent method claims. Thus, the new claims do not present any new language, new limitation, or any new combination of limitations, that was not earlier examined. Further consideration is not required.

M.P.E.P. 714.16 states that amendments that add new claims after allowance should be accompanied by remarks that fully and clearly state the reasons on which reliance is placed to show: (1) why the amendment is needed; (2) why the proposed amended or new claims require no additional search; (3) why the claims are patentable; and (4) why they were not presented earlier. Accordingly, the following remarks are provided:

(1) Why the amendment is needed. Due to the nature of computer-implemented inventions (e.g. techniques that may be embodied in software), effective coverage requires claims that are directed to computer-readable media that contain instructions which, when executed, cause the inventive techniques to be performed. Without such coverage, it may be possible for competitors to flagrantly exploit the invention by selling software for performing the inventive techniques, while yet avoiding direct infringement of the method claims that cover execution of the techniques. Clearly, the value of a patent must be questioned if it allows competitors to practice the most likely form of exploitation without fear of direct infringement.

The new claims introduced by this amendment, therefore, are intended to provide direct protection against those who would otherwise be tempted to expropriate the invention by making, using, or selling computer readable media that contains software that performs the inventive techniques that are set forth in the method claims.

(2) Why the proposed amended or new claims require no additional search or examination. As mentioned previously, each of the proposed new claims mirrors a method claim that has already been examined and allowed. Thus, the new claims do not present any new limitation, or any new combination of limitations, that was not earlier examined.

(3) Why the claims are patentable. The new claims are patentable for exactly the same reasons that their parent method claims are patentable.


(4) Why they were not earlier presented. Applicants representative does not know why the claims were earlier presented. The previous representatives are no longer representing applicant. Perhaps the claims were not earlier presented to avoid redundancy and wasted effort, both on behalf of the Examiner and on behalf of the Applicant.

For the foregoing reasons, entry and allowance of the amendments and additional claims presented by this amendment is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

Dated: October 20, 2005


Marcel K. Bingham
Attorney of Record
Registration No. 42,327

2055 Gateway Place, Suite 550
San Jose, California 95110
Telephone: (408) 414-1080
Facsimile: (408) 414-1076

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

on 10/20/05

by


Jennifer Newell